

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:06CV287

**BARBARA DEVEREAUX,**

**Plaintiff,**

**vs.**

**JO ANNE B. BARNHART,**  
**Commissioner of Social Security,**

**Defendant.**

**ORDER**

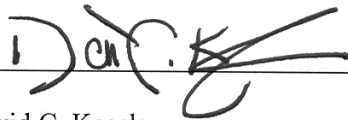
**THIS MATTER IS BEFORE THE COURT** on the Defendant's "Consented to Motion for Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g)" (Document #5) filed October 3, 2006 to remand the cause for further administrative proceedings. Plaintiff consents to this motion.

On remand to the Commissioner, the Administrative Law Judge will: 1) consider the evidence submitted to the Appeals Council and any updated evidence the plaintiff supplies; 2) add to the record the reconsideration DDS assessments; 3) provide a new residual functional capacity assessment, and if plaintiff's mental impairment is found to be non-severe, explain why DDS opinion was not followed; 4) obtain additional vocational expert evidence that considers all of the plaintiff's physical and mental limitations; and 5) issue a new decision.

Pursuant to the power of this Court to enter a remand to the Commissioner of Social Security under sentence six of 42 U.S.C. § 405(g), and in light of the parties' request to remand this action for further proceedings, the Motion for further proceedings under sentence six of 42 U.S.C. § 405(g) shall be granted. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). No judgment will be entered in this matter at this time.

**IT IS, THEREFORE, ORDERED** that the “Consented to Motion for Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g)” (Document #5) is **GRANTED**.

Signed: October 4, 2006

  
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David C. Keesler  
United States Magistrate Judge

